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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/751,420 | 01/06/2004 | David Wei Hua Mou | MOUD3001/BEU | 3198 |
| 23364 | 7590 | 10/03/2005 | | |
| BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314 | | | EXAMINER HUNNINGS, TRAVIS R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2632 | |

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,420

Applicant(s)

MOU, DAVID WEI HUA

Examiner

Travis R. Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 22-24 and 26-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Saltzstein et al. (Saltzstein; US Patent 6,727,814).

Regarding claim 1, Saltzstein discloses *System, Method And Apparatus For Sensing And Communicating Status Information From A Portable Medical Device* that has the following claimed limitations:

The claimed sensor unit including at least one photosensor arranged to detect a color of light emitted by the indicator light and a remote communications interface is met by the light sensitive transistor that is configured to detect a specific color of light (column 9, lines 36-54) and the communication link (column 3, lines 40-44);

The claimed receiver remotely situated relative to said sensor unit and arranged to receive signals generated by said sensor in response to detection of the color of light

emitted by said indicator light is met by the control unit receiving signals from the sensing device over the communication link (column 3, lines 40-44 and column 4, lines 24-43);

The claimed computing device arranged to interpret said signals in order to indicate a status of said machine is met by the control unit that translates the status information received from the sensing device into a computer readable signal (column 4, lines 24-43).

Regarding claim 2, the claimed remote communications interface including a wireless transmitter and said receiver is a wireless receiver is met by the communication link being a wireless telephony system and therefore inherently containing a wireless transmitter and receiver (column 3, lines 40-44).

Regarding claim 7, the claimed sensor unit including multiple photosensors for monitoring multiple machine status indicator lights is met by the sensing device comprising three optical sensors (column 9, lines 36-54).

Regarding claim 27, the claimed sensor unit including at least one photosensor arranged to count or integrate flashes in order to detect a flashing pattern or to detect an output level, other than just the on/off state of light emitted by the indicator light and a remote communications interface is met by the light sensitive transistor that is configured to detect a specific color of light (column 9, lines 36-54). One of ordinary skill

in the art would have interpreted detecting a specific color of light to be equivalent to detecting an output level, other than just the on/off state of light.

The claimed receiver remotely situated relative to said sensor unit and arranged to receive signals generated by said sensor in response to detection of the color of light emitted by said indicator light is met by the control unit receiving signals from the sensing device over the communication link (column 3, lines 40-44 and column 4, lines 24-43).

The claimed computing device arranged to interpret said signals in order to indicate a status of said machine is met by the control unit that translates the status information received from the sensing device into a computer readable signal (column 4, lines 24-43).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saltzstein in view of Konsmo et al. (Konsmo; US Patent 5,844,808).

Regarding claim 3, Saltzstein discloses all of the claimed limitations except for the claimed receiver being arranged to receive signals from a plurality of sensor units, each identifiable by a unique identifier. Konsmo teaches a system that monitors multiple

remote devices (col3 26-32) wherein each remote device has an identification number (col11 40-44). Altering the device of Saltzstein to monitor multiple remote devices would increase the flexibility of the system and providing each remote device with a unique identifier number would allow for quicker determination of the location of an alert. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Saltzstein according to the teachings of Konsmo to monitor multiple remote devices, each with a unique identifier.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saltzstein in view of Konsmo and further in view of Motoyama et al. (Motoyama; US Patent 6,631,247) for the record.

Regarding claim 4, Saltzstein and Konsmo disclose all the claimed limitations except for the claimed receiver being connected to a network server. Motoyama discloses *Method and System for Remote Diagnostic, Control and Information Collection Based on Various Communication Modes for Sending Messages to a Resource Manager* that teaches a remote monitoring station that monitors multiple devices and is connected to a local area network (fig. 1, element 16) to accomplish the communications (column 5, lines 4-26). It is inherent that a network must have a server that runs the network, and therefore by connecting a computer to a network it is operably connected to the network server. Connecting the central host computer of Saltzstein and Konsmo to a network would facilitate communications by using an

already existing protocol that is present in the network. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Saltzstein and Konsmo according to the teachings of Motoyama to connect the central host computer to a network.

Regarding claim 5, Saltzstein, Konsmo and Motoyama disclose all the claimed limitations. The claimed server being connected to a local area network is met by the network of Motoyama being a Local Area Network (column 5, lines 4-26).

Regarding claim 6, Saltzstein and Konsmo disclose all the claimed limitations except for the claimed server being connected to the internet. Motoyama teaches connecting the network to the internet to accomplish the communication between monitored device and central monitoring station as shown by figure 5. By modifying the device of Saltzstein and Konsmo to connect the network server to the internet so that it would communicate over the internet, the method of communication would be made more simple by using the pre-existing format of communication across the internet. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Saltzstein and Konsmo according to the teachings of Motoyama to connect the network server to the internet.

Allowable Subject Matter

6. Claims 22-24 and 26 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: regarding independent claim 22, the prior art does not disclose nor suggest monitoring software for remotely monitoring the status of a machine comprising means for receiving data indicative of the status, comparing that data with definitions retrieved from a database, displaying the result of the comparison and calculating a run time based on the data and comparing the run time with labor records.

Response to Arguments

8. Applicant's arguments with respect to claims 1-7 and 27 have been considered but are moot in view of the new ground(s) of rejection.

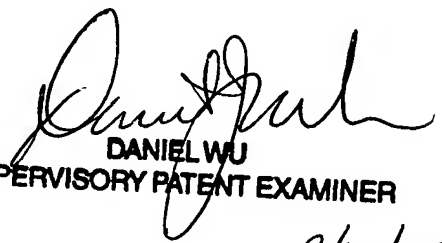
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH


DANIEL WU
SUPERVISORY PATENT EXAMINER
9/30/08